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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,550	01/30/2004	Jeffrey Herman	VOI0288.US	6604
7590 Todd T. Taylor TAYLOR & AUST, P.C. 142 S. Main St. P.O. Box 560 Avilla, IN 46710		01/18/2007	EXAMINER HALPERN, MARK	
			ART UNIT 1731	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/18/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/768,550

Applicant(s)

HERMAN ET AL.

Examiner

Mark Halpern

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2006 and 28 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) 22-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

- 1) Acknowledgement is made of Amendments received 11/26/2006 and 12/28/2006. Claims 1,15, are amended, and claim 2 is cancelled. Claims 22-64 remain withdrawn.

Claim Objections

- 2) Claims 63-64 status identifier should be changed from "(original)" to - (withdrawn) -.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3) Claims 1-11, 15-19, are rejected under 35 U.S.C. 102(b) as being anticipated by Scherb (WO 03/000002)(published 3 January 2003). English version of the document, US 2004/0237210, is relied upon for the Office Action.

Claims 1-8, 15, 17-19: Scherb discloses a method of making a structured web in a paper machine. As, for example, in Figure 3, a fiber slurry is being fed from headbox 48 into a nip formed between a structured fabric 14 and a forming fabric 42 over forming roll 46, thus creating fiber web 12. The web formed is a structured web, shaped in form of a plurality of thicker fiber valleys and leaner fiber dales, as shown in Figure 7, the structure having zonally different fabric permeability and different basis weight at the valleys and at the dales. The structured fabric 14, is also recited as a "dewatering" fabric [0082]. Scherb does not recite that dewatering occurs through the structured or dewatering fabric 14 in the forming area of the paper machine ([0062] to [0091], and Figures 1-7).

Claims 9-10: the structured web proceeds to dewatering apparatus 34, where the web contacts clothing 36 over suction roll 38, where pressure is applied to the web and suction is applied by vacuum through suction roll 38 and clothing 36.

Claims 11, 16: the structured web is then transferred from fabric 14 onto a Yankee dryer at point 18. See Fig. 3.

4) Claims 12-14, 20-21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Scherb.

Claims 12-14, 20: the structured fabric as shown in Figure 7, is formed as described in the above method claims. It would have been obvious, to one skilled in

the art at the time the invention was made, that the web structure that the thicker portions have greater basis weight than the leaner portions.

Claim 21: the structured fabric as shown in Figure 7, is formed as described in the above method claims. Scherb does not disclose the moisture content of the structured web, however, it would have been obvious, to one skilled in the art at the time the invention was made, that the web structure prior to drying, would have a greater amount of moisture in areas of greater amount of fibers and less amount of moisture in areas having lesser amount of fibers to contain said moisture

Response to Amendment

- 5) Claims 63-64 are withdrawn since Applicant elected without traverse invention I and species of shown in Figure 13, drawn on claims 1-21.
- 6) Claims 1-20 rejection under 35 U.S.C. 102(b) as being anticipated by Scherb, is withdrawn in view of amended claims.
- 7) Claims 13-14 rejection under 35 U.S.C. 102(b) as being anticipated by Scherb, is withdrawn in view of amended claims.
- 8) Claim 21 rejection under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Scherb, is withdrawn in view of amended claims.
- 9) Applicants' arguments filed 11/26/2006 and 12/28/2006, have been fully considered but they are not persuasive.

Applicants allege that the cited prior art, Scherb, fails to disclose that dewatering does not occur through the structured fabric in a forming area of a paper machine.

Scherb discloses structured fabric 14, which is also recited as a "dewatering" fabric. Scherb, however, does not recite that dewatering occurs through the structured or "dewatering" fabric 14 in the forming area of the paper machine.

Conclusion

10) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mark Halpern
Primary Examiner
Art Unit 1731